



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,791	04/30/2001	Brandon Dillan Tinianov	7120	3178

7590                    07/14/2003

Robert D. Touslee  
Johns Manville International, Inc.  
10100 West Ute Avenue  
Littleton, CO 80127

[REDACTED] EXAMINER

MCCLOUD, RENATA D

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2837

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/845,791	TINIANOV, BRANDON DILLAN
	Examiner Renata McCloud	Art Unit 2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 April 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 4-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>8</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### ***Response to Amendment***

1. In response to the amendment filed 11 April 2003, paper number 7, the following has occurred:
  - (a) The 35 USC 112 rejection has been withdrawn by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al (U.S. Patent 5,824,973), in view of Le Masurier (U.S. Patent 3,858,676).

**Claim 1:** Haines et al teach a system for improved sound absorption with a substrate (14) of porous material and of a first air flow resistance (214/216/ 218); and a facing (16) material attached to the substrate and of a second air flow resistance (214/216/218), a total system resistance and the second air flow resistance are relatively low values (See. Fig.1, Fig. 5, and Column 8, lines 25-44). However Haines et al do not teach the total system airflow resistance is around between 900 to 1300 MKS Rayls. Le Masurier teaches this (e.g. Abstract; Column 2:35-54). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify the sound absorbing laminate taught by Haines et al to have a total system air flow resistance between 900 and 1300 MKS Rayls as taught by Le Masurier. The advantage of this would be effective low frequency sound absorption and enhanced broadband sound absorption characteristics.

**Claim 2:** All of the limitations of claim 1 are met by Haines et al and Le Masurier. With respect to claim 2, Haines et al teach the facing material has an airflow resistance of 360 MKS Rayls (Column 7:19-28).

**Claim 4:** All of the limitations of claim 1 are met by Haines et al and Le Masurier. With respect to claim 4, Haines et al teach the substrate is made of glass fiber, mineral wool, thermoplastic polymer fiber, thermosetting polymeric fiber, carbonaceous fiber, milkweed fiber, and foam insulation (e.g. Column 8:15-25).

**Claim 5:** All of the limitations of claim 1 are met by Haines et al and Le Masurier. With respect to claim 5, Haines et al teach the substrate can be a ceiling tile (e.g. Column 1:22-29).

**Claim 6:** All of the limitations of claim 1 are met by Haines et al and Le Masurier. With respect to claim 6, Haines et al teach a second facing material attached to the substrate (e.g. Column 3:8-14; Fig. 1).

**Claim 7:** All of the limitations of claim 1 are met by Haines et al and Le Masurier. With respect to claim 7, Haines et al teach the facing material and the second facing material form two opposite exterior surfaces of the system (e.g. Fig. 1, #16, #14).

***R spons to Arguments***

4. Applicant's arguments filed 11 April 2003, paper number 7, have been fully considered but they are not persuasive.

In response to applicant's argument that Le Masurier does not teach a total airflow resistance, referring to Example 13 of Le Masurier (Col. 5: 33-67; Chart entitled "1/3 Octave Band Absorption Coefficients"), Le Masurier teaches that the flow resistance of the panel, the panel comprised of 1.5 inch thick fiberglass, a 1/8 inch perforation, perforated hardboard and a facing, is 405MKS Rayls. The heavy textile front surface is the only component of the panel that is designated for absorption, therefore, 405 MKS Rayls is the total system airflow.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2837

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.-Thurs and every other Fri. from 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud  
Examiner  
Art Unit 2837

RDM  
June 27, 2003



ROBERT E. NAPPI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800